

December 27, 2011

The Marshall County Commission met in regular session on Monday, December 27, 2011 at 10:00 am. in the Marshall County Commission Chambers.

PRESENT WERE:

James Hutcheson, Chairman
William H. Strickland, III, Dist. 1 Commissioner
James Maze, Dist. 2 Commissioner
Richard Kilgore, Dist. 3 Commissioner
Tamey Hale, Dist. 4 Commissioner
Shelly Fleisher, Administrator
Tammy Bearden, Administrative Assistant
Bob Pirando, County Engineer
Karen Young, Engineering Clerk
Clint Maze, County Attorney

PUBLIC COMMENT FROM CITIZENS

Joel Kennamer, spoke to the Commission voicing his concerns on the closing a portion of Convict Camp Road. "A simple 4-way stop would fix it." Mr. Kennamer stated that all the criteria for vacating part of the road had not been met. At least 2 people on the road didn't get a letter notifying them about the possible vacation of the road and the utilities weren't notified. The road is not being maintained in a safe condition. "I respectfully insist that the motion now tabled be postponed indefinitely or rescinded."

Chairman Hutcheson call the meeting to order and ask Commissioner Hale to deliver the invocation, he then ask Commissioner Kilgore to lead the Pledge of Allegiance.

CONSENT AGENDA

A motion was made by Commissioner Hale, duly seconded by Commissioner Kilgore and so carried to approve the consent agenda as read by Chairman Hutcheson.

DISTRICT 1 – APPROVE PRELIMINARY PLAT FOR SUNDANCE SUBDIVISION

A motion was made by Commissioner Strickland, duly seconded by Commissioner Maze and so carried to follow the recommendation of the County Engineer and approve the preliminary plat for Sundance Subdivision.

DISTRICT 4 – APPROVE LEASE/PURCHASE FOR NEW HOLLAND TRACTOR AND CAPS RBM – 2050D MO-TRIM APPROXIMATE PAYMENT OF \$1,259.43 PER MONTH

A motion was made by Commissioner Hale, duly seconded by Commissioner Kilgore and so carried to approve the lease/purchase agreement with Banc Corp South for the New Holland tractor and CAPS RBM – 2050D Mo-trim with the approximate payment being \$1,259.43 per month.

DISTRICT 4 – APPROVE LEASE/PURCHASE FOR A KOMATSU WA 250-6 WHEEL LOADER APPROXIMATE PAYMENT OF \$1,259.43 PER MONTH

A motion was made by Commissioner Hale, duly seconded by Commissioner Kilgore and so carried to approve the lease/purchase agreement with Banc Corp South for the Komatsu WA 250-6 Wheel Loader with the approximate payment being \$1,259.43 per month.

PROBATE JUDGE – APPROVE TRAVEL REQUEST FOR ANDREA LECROY, TAYE LANGLEY, DORIS COCHRAN AND PATTI DORSETT TO ATTEND AN ALABAMA LICENSING CONFERENCE, PRATTVILLE, ALABAMA, JANUARY 10-12, 2012 APPROXIMATE COST FOR ALL IS \$2,306.40

A motion was made by Commissioner Kilgore, duly seconded by Commissioner Hale and so carried to approve the travel request for Andrea LeCroy, Taye Langley, Doris Cochran and Patti Dorsett to attend the Alabama Licensing Conference, Prattville, Alabama January 10-12, 2012 with the approximate cost for all attending \$2,306.40.

APPROVE COUNTY LIABILITY INSURANCE POLICY WITH ACCA FOR FY2012 \$229,720.00

A motion was made by Commissioner Maze, duly seconded by Commissioner Hale and so carried to approve the County's liability insurance policy with the ACCA for FY2012 in the amount of \$229,720.00.

APPROVE COUNTY COMPREHENSIVE AND COLLISION WITH ALLISON AGENCY FOR FY2012

A motion was made by Commissioner Strickland, duly seconded by Commissioner Kilgore and so carried to renew the policy with the Allison Agency with a \$500 deductible and authorize the Chairman to get quotes from 2 other agencies.

EMA – APPROVE FY11 MAL GRANT FOR HEAVY RESCUE SUSTAINMENT \$12,465.00 NO MATCH

A motion was made by Commissioner Maze, duly seconded by Commissioner Strickland and so carried to approve the FY11 MAL grant for the Heavy Rescue Sustainment in the amount of \$12,465.00 with no match to the county.

EMA – APPROVE HMGP GRANT WARNING SIGNS UPGRADES \$34,024 FEDERAL SHARE OF \$25,518 LOCAL MATCH \$8,506 COMING FROM COUNTY WIDE FUNDS

A motion was made by Commissioner Maze, duly seconded by Commissioner Kilgore and so carried to approve the HMGP grant warning signs upgrades \$34,024 with the federal share of \$25,518 local match coming from county wide funds and to ask the County Engineer to solicit bids for the upgrades.

APPRAISAL – APPROVE BUDGET AMENDMENT OUT PRIOR YEAR ROLL OVER FUNDS TO UPDATE PLANIMETRIC FEATURE FROM STORM DAMAGE ARIEL PHOTOGRAPHS FOR TH AMOUNT OF \$22,750 PAYABLE TO G-SQUARE

A motion was made by Commissioner Hale, duly seconded by Commissioner Kilgore and so carried to approve the budget amendment out of prior year roll over funds to update planimetric features from storm damage Ariel photographs for the amount of \$22,750 payable to G-Square.

APPROVE VACATING A PORTION OF CONVICT CAMP ROAD

A motion was made by Commissioner Maze, duly seconded by Commissioner Strickland and so carried to approve the Resolution vacating of a portion of Convict Camp Road.

STATE OF ALABAMA)
MARSHALL COUNTY)

RESOLUTION VACATING ROAD

WHEREAS, the property owners along a certain portion of Convict Camp Road have filed a petition to vacate it;
WHEREAS, notice was given pursuant to Alabama Law and no one who lived on the the road objected to the said vacation;
WHEREAS, the portion of the road to be vacated is a part of Convict Camp Road, that is in Section 12 Township 7 South, Range 3 East and Section 7 Township 7 South, Range 4 East in Marshall County, Alabama as more particularly described as follows, to-wit:

A 40 FOOT WIDE RIGHT OF WAY ON A PORTION OF CONVICT CAMP ROAD located and being in the SE ¼ of the SE ¼ Section 12 Township 7 South, Range 3 East and in SW ¼ of Section 7 Township 7 South Range 4 East in Marshall County, Alabama and BEING 20 FOOT ON EACH SIDE OF A LINE DESCRIBED AS FOLLOWS:

Commencing at a one inch metal post at the center of Section 12, T-7-S, R-3-E; thence South 38°24'27" East, a distance of 2,804.84 feet to a 5/8 inch re-bar CAP # 9007 on the Southern right of way of Convict Camp Road; thence North 68°48'08" East, a distance of 378.79 feet to a point in the center of Convict Camp Road at the Point of Beginning; thence North 64°03'05" East, a distance of 105.93 feet; thence North 58°20'06" East, a distance of 87.63 feet; thence North 57°34'19" East, a distance of 92.55 feet; thence North 55°43'04" East, a distance of 85.33 feet; thence North 54°11'39" East, a distance of 59.24 feet; thence North 53°45'59" East, a distance of 93.49 feet; thence North 48°31'41" East, a distance of 91.16 feet; thence North 40°02'53" East, a distance of 91.78 feet; thence North 26°29'37" East, a distance of

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RESOLUTION (CONT'D)

91.81 feet; thence North 20°08'38" East, a distance of 94.73 feet; thence 18°35'01" East a distance of 92.95 feet; thence North 23°23'05" East, a distance of 91.69 feet; thence North 25°21'27" East, a distance of 93.14 feet; thence North 32°19'01" East a distance of 89.47 feet; thence North 42°21'27" East, a distance of 92.57 feet; thence North 47°51'33" East, a distance of 99.18 feet; thence North 57°45'15" East, a distance of 94.12 feet; thence North 66°16'30" East, a distance of 98.22 feet; thence North 79°19'15" East, a distance of 100.23 feet; thence North 85°46'15" East a distance of 99.19 feet; thence North 84°20'04" East, a distance of 98.01 feet; thence North 81°12'15" East, a distance of 95.71 feet; thence North 82°43'21" East, a distance of 89.67 feet; thence 83°59'29" East, a distance of 88.81 feet to the Point of Ending. (B-9361);

WHEREAS, all the abutting landowners of of the portion of Convict Camp Road that is vacated by this Resolution, all of whom are Petitioners, are Whitaker Contracting Compnay, Jamey Renae W. Reed, individually and as Personal Representative of the Estate of James G. Whitaker, Jr., Deceased, and Frank David Reed, Jr.;

WHEREAS, this vacation will not deprive any property owner of a convenient and reasonable mean of ingress and egress or cut off from access by this Resolution;

WHEREAS, the above described vacation is in the public interest; and

WHEREAS, all the existing utility easements will not be altered or changed by this vacation.

THEREFORE, BE IT RESOLVED as commissioners of Marshall County, Alabama, on a motion made by Commissioner James Maze, which was duly seconded, we hereby proclaim this portion of Convict Camp Road to be vacated, discontinued, abandoned and annulled so as to destroy the force and effect of any dedication by map, plat or otherwise and to divest any and all rights of the public, including any rights which may have been acquired by dedication of plat, prescription or otherwise in that part of the street/road/drive are hereby vacated with the exception for any existing utility easements. This Resolution shall be recorded with the Marshall County Probate Judge. Further, notice of this Resolution shall be published once in a paper of general circulation in Marshall County, Alabama.

Approved in a duly called meeting of the Marshall County Commission on the 27th day of December, 2011.

James Hutcheson, Chairman

William Stricklend, Commissioner
District 1

James Maze, Commissioner
District 2

APPROVED and ACCEPTED:

Richard Kilgore, Commissioner
District 3

BOB PIRANDO
County Engineer

Tamey Hale, Commissioner
District 4

STATE OF ALABAMA)

COUNTY OF MARSHALL)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that James Hutcheson, whose name as Marshall County Commission Chairman, is signed to the foregoing resolution and who is known to me, acknowledged before me on this day that being informed of the contents of the resolution, he, in his capacity as such County Commission Chairman, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the _____ day of _____, 2011.

NOTARY PUBLIC
My Commission Expires: _____

STATE OF ALABAMA)

COUNTY OF MARSHALL)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that William Stricklend, James Maze, Richard Kilgore and Tamey Hale, whose names as Marshall County Commissioners, are signed to the foregoing resolution and who are known to me, acknowledged before me on this day that being informed of the contents of the resolution, they, in their capacities as such County Commissioners, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the _____ day of _____, 2011.

NOTARY PUBLIC
My Commission Expires: _____

AWARD BIDS FOR SHERIFF DEPARTMENT

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Hale and so carried to follow the recommendation of the County Engineer and reject all bids for the Sheriff's department's vehicles and purchase off the state bid list.

ADJOURNMENT

There being no further business; a motion was made by Commissioner Stricklend, duly seconded by Commissioner Maze and so carried to adjourn.

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MEETING ADJOURNED

James Hutcheson, Chairman

William H. Strickland, District 1 Commissioner

James Maze, District 2 Commissioner

Richard Kilgore, District 3 Commissioner

Tamey Hale, District 4 Commissioner